

## **AGENDA**

**REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
(502) 875-8500**

**FEBRUARY 16, 2004  
5:00 P.M. (EST)**

- 1. INVOCATION** Rev. Jana Hall, First Presbyterian Church  
**ROLL CALL**  
**MINUTES** January 15, 2004 Regular Meeting; February 2, 2004 Work Session;  
February 7, 2004 Special Meeting; February 9, 2004 Special Meeting  
**MAYOR'S REPORT**

- 2. CEREMONIAL ITEMS**  
None.

**3. ORDINANCES**

- 3.1 SECOND READING:** An Ordinance Repealing Frankfort/Franklin County Zoning District Regulations, Article 1, Section 1.09 Provision for Waivers and Modifications.

Purpose: The purpose of this item is to consider an ordinance repealing in its entirety Article 1, Section 1.09 Provision for Waivers and Modifications, of the Frankfort/Franklin County Zoning District Regulations.

Background: As part of the adopted 2001 Comprehensive Plan and the adopted Implementation Strategy of the Comprehensive Plan, the Frankfort/Franklin County Planning Commission is tasked with reviewing the Zoning Ordinance and making recommendations for its improvement.

On 10/14/03, the Zoning Update Committee met to discuss four issues, one being waivers. Two draft ordinances were provided and discussed. It was determined that the entire waiver section from the Zoning Ordinance (Section 1.09) should be removed rather than amended.

After a public hearing was held by the Frankfort/Franklin County Planning Commission on 12/11/03, the Planning Commission voted to recommend that Section 1.09 – Provision for Waivers and Modifications be repealed in its entirety for the City of Frankfort and Franklin County. The report and testimony given at that meeting was also approved as the summary of the public hearing. The motion to repeal the waiver section was by a unanimous vote.

This ordinance had its first reading 1/15/04.

Recommendation: Approval.

Attachments: Ordinance.  
Section 1.09 Provision for Waivers and Modifications.  
Frankfort/Franklin County Planning Commission Minutes dated 12/11/03.

Contact Person  
Name: Gary Muller  
Title: Director

Department: Planning and Building Codes  
Phone: (502) 875-8513  
E-mail: gmuller@fewpb.com

**3.2 SECOND READING:** An Ordinance Adopting Subdivision and Site Plan Regulations for Frankfort and Franklin County.

Purpose: The purpose of this item is to consider an ordinance adopting Subdivision and Site Plan Regulations as adopted by the Frankfort/Franklin County Planning Commission.

Background: As part of the adopted 2001 Comprehensive Plan and the adopted Implementation Strategy of the Comprehensive Plan, a Planning Consultant was hired to draft new regulations for the City and County.

After numerous public workshops and after a public hearing was held by the Frankfort/Franklin County Planning Commission, the Planning Commission adopted the new Subdivision and Site Plan Regulations for the City of Frankfort and Franklin County on 11/20/03. There was no one in the audience for or against the proposed new regulations during the public hearing. These regulations replace those previously adopted in 1978.

This ordinance had its first reading 1/15/04.

Recommendation: Approval.

Attachments: Ordinance.  
Frankfort/Franklin County Planning Commission Minutes dated 9/4/03.  
Frankfort/Franklin County Planning Commission Minutes dated 11/20/03.

**Contact Person**

Name: Gary Muller  
Title: Director  
Department: Planning and Building Codes  
Phone: (502) 875-8513  
Email: gmuller@fewpb.com

**3.3 SECOND READING:** An Ordinance Amending Ordinance No. 16, 2003 Series, and Frankfort Municipal Code Section 15.16.150 - Inspection Fees (Electrical).

Purpose: The purpose of this item is to consider amending the fee schedule for electrical inspections in order to better clarify and provide more appropriate fees.

Background: The last update to the City's fee schedule relating to permits was in 1990 and amended in June of 2003. Now that six months have passed, it is important to review the ordinance to ensure there are no inadvertent issues created by the amended ordinance.

Planning & Building Codes staff believes that it is appropriate and necessary to amend the inspection fees for commercial property to make them more in line with the residential fees, to add a provision for additions to residential structures at a lower cost than new residential structures, and to provide more clarification within the fees

An approval to support the proposed fee schedule amendment will better match the actual cost to the City for providing these services.

This ordinance had its first reading 1/15/04.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: Gary Muller  
Title: Director  
Department: Planning and Building Codes  
Phone: (502) 875-8513  
E-mail: [Gmuller@fewpb.com](mailto:Gmuller@fewpb.com)

**3.4 FIRST READING:** An Ordinance Amending Ordinance No. 7, 2003 Series, Appropriating the Revenue to be Received by the City of Frankfort for Fiscal Year 2003-2004.

Purpose: The purpose of this item is to consider an ordinance amending the appropriation of revenue to be received for Fiscal Year 2003-2004 for unbudgeted expenditures.

Background: The grand total of the budget amendment for the General Fund is in the amount of \$366,048 for the following expenditures:

- a. Leonardwood Drive extension contract with Randle Davies Construction Co, Inc. in the amount of \$178,040.
- b. Streetscape Phase 2 Project consisting of payment to CSX Transportation, Inc. in the amount of \$10,155.
- c. Kentucky River Bank Restoration Project at Sullivan Parking Garage in the amount of \$28,000.
- d. Amendment to engineering design and construction management contract with Brighton Engineers for the Leonardwood Drive Extension Project in the amount of \$6,120.
- e. Utility extension contract with Frankfort Plant Board for Sections 1 and 2 of the Frankfort Research & Office Park in the amount of \$143,733.

Recommendation: Approval.

Attachments: Ordinance.  
Projects description.

Contact Person

Name: James C. Rogers  
Title: Director  
Department: Finance  
Phone: (502) 875-8505  
E-mail: [Jrogers@fewpb.com](mailto:Jrogers@fewpb.com)

**3.5 FIRST READING:** An Ordinance Appropriating the Revenue to be Received by the City of Frankfort for the Sewer Lateral Program for Fiscal Year 2003-2004.

Purpose: The purpose of this item is to consider an ordinance appropriating the revenue to be received for the Sewer Lateral Program, for the period beginning March 1, 2004 and ending June 30, 2004.

Recommendation: Approval.

Attachments: Ordinance.  
Projects description.

Contact Person

Name: James C. Rogers  
Title: Director  
Department: Finance  
Phone: (502) 875-8505  
E-mail: [Jrogers@fewpb.com](mailto:Jrogers@fewpb.com)

#### 4. ORDERS

##### 4.1 An Order Amending Order No. 12, 2003 Series, Relating to Conditions of Employment for Firefighters.

Purpose: The purpose of this item is to consider an order amending the conditions of employment for firefighters.

Background: The current Conditions of Employment for Firefighters need to be revised to include a stipulation that states if a person is hired with an EMT-B (Basic), which is an EMT certification, they may be required by the Fire Department to obtain a Paramedic license, also referred to as an EMT-P, and agree to function as a Primary Paramedic. Also, the new KAR's have established new wording stating that EMT-B's are "certified" and Paramedics are "licensed".

Recommendation: Approval.

Attachments: Order.

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511  
E-Mail: [wpossich@fewpb.com](mailto:wpossich@fewpb.com)

##### 4.2 An Order Authorizing the Mayor to Execute a Memorandum of Agreement with the Commonwealth of Kentucky, Tourism Development Cabinet, Department of Fish and Wildlife Resources, for Funding in an Amount Not to Exceed \$10,000 for Interpretative Wetland Trail and Elevated Boardwalk Construction at Cove Spring Park.

Purpose: The purpose of this item is to consider an order to enter into a Memorandum of Agreement with the Kentucky Department of Fish and Wildlife Resources to provide funding in an amount not to exceed \$10,000 for interpretative wetland trail and elevated boardwalk construction at Cove Spring Park.

Background: Cove Spring Park contains approximately 40 acres of wetland habitat within the City limits. An interpretative wetland trail and elevated boardwalk would provide easy access to the wetland for outdoor recreation, activities, education and research. The interpretative trail,

which will be approximately one-half mile, will be constructed in the wetland. An information kiosk will be constructed at the trailhead and 10-15 pieces of educational signage will be placed along the trail at locations of interest.

The City of Frankfort will build the ground part of the trail. Construction of the elevated walkway will be subcontracted. The City will develop interpretative signs, with consultation from the Kentucky Department of Fish and Wildlife.

Financial Analysis: Estimated cost for construction of elevated walkway is \$8,000 and for signs, trail chips and miscellaneous materials is \$2,000. The Kentucky Department of Fish and Wildlife will provide funding in an amount not to exceed \$10,000 for the project.

Recommendation: Approval.

Attachments: Order.  
Memorandum of Agreement.

Contact Person

Name:	Steve Brooks	Andrew Cammack
Title:	Director	Urban Forester
Department:	Parks & Recreation	Parks & Recreation
Phone:	(502) 875-8575	
E-mail:	<a href="mailto:Sbrooks@fewpb.com">Sbrooks@fewpb.com</a>	<a href="mailto:Acammack@fewpb.net">Acammack@fewpb.net</a>

4.3 An Order Renaming To Be Announced Avenue as Chamberlin Avenue.

Purpose: The purpose of this item is to consider an order changing the street name of To Be Announced Avenue to Chamberlin Avenue.

Background: The City and the County has received a request from Mr. C. Michael Davenport, who owns more than 51% of the affected lots, to rename To Be Announced Avenue.

Recommendation: Approval.

Attachments: Order.  
Letter dated 12/6/03 from C. Michael Davenport.

Contact Person

Name:	Jeff Hackbart
Title:	Director
Department:	Public Works
Phone:	(502) 875-8563
E-mail:	<a href="mailto:jhackbrt@fewpb.com">jhackbrt@fewpb.com</a>

**5. RESOLUTIONS**

None.

**6. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Commission member so requests, in which event the item will be removed from the Consent*

*Calendar and considered separately. The City Manager will read the items recommended for approval.*

6.1 Renewal of Agriculture Lease - Capitol View Park. (Parks & Recreation)

Purpose: The purpose of this item is to consider renewal of the agriculture lease with Michael L. Harrod for 35 acres of pastureland on the northeast end of Capitol View Park.

Background: Mr. Harrod has leased this property since 1977 with the option of renewing on a year-to-year basis. This area is not used by the City because of the lack of accessibility. The proposed renewal is for one year, from 3/1/04 through 3/1/05.

Recommendation: Approval.

Attachments: Memorandum of Understanding.

Contact Person

Name: Steve Brooks  
Title: Director  
Department: Parks & Recreation  
Phone: (502) 875-8575  
E-mail: Sbrooks@fewpb.com

6.2 Authorization to Apply for Rolf H. Jensen Memorial Public Education Award Funded by the RJA Group, Inc. (Fire Department)

Purpose: The purpose of this item is to consider submitting application for the Rolf H. Jensen Memorial Public Education Award funded by the RJA Group, Inc.

Background: Rolf H. Jensen, P.E. was a leading authority on fire protection engineering and participated and supported the NFPA consensus standards process throughout his career. Mr. Jensen passed away in 2002 leaving a legacy in the fire protection field. The RJA Group (Rolf Jensen Associates) is a fire protection, engineering and code consulting firm dedicated to saving lives and property through better fire protection. On the 25th anniversary of the firm, Mr. Jensen's associates honored him by establishing an NFPA award in his name.

The Jensen Award provides a \$5,000 grant to one local fire and life safety education program or campaign per year. The award is open to any fire department in the United States. Grant applications are accepted through the NFPA website in February, 2004. The winner will be notified and posted on the NFPA website. No matching funds are requested.

Financial Analysis: There is no local match required for this grant.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: Wallace Possich  
Title: Fire Chief  
Department: Fire  
Phone: (502) 875-8511

E-Mail: wpossich@fewpb.com

### 6.3 Authorization to Dispose of Surplus Property by Public Auction. (Finance Department)

Purpose: The purpose of this item is to consider declaring property as surplus for disposal by public auction.

Background: Department heads have provided a list of various items deemed obsolete or no longer required in their area. Items require disposal to provide storage space for currently used material. Auction date is tentatively set for Saturday, 4/24/04 at the City Garage off U.S. 421 N.

Financial Analysis: Proceeds from auction should generate approximately \$8,000.

Recommendation: Approval.

Attachment: List of surplus items titled "City Surplus Auction-2004"

#### Contact Person

Name: Angie Disponette  
Title: Purchasing Agent  
Department: Finance  
Phone: (502) 352-2084  
E-Mail: adisponette@fewpb.com

### 6.4 Personnel.

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Resignation	Meri M. Thakurdas	Planning & Building Codes	1/16/04	Staff Planner, authorize payment 41.25 hrs. accrued vacation leave
Resignation	Todd T. Turner	Vehicle Maintenance Garage	2/16/04	Mechanic I, authorize payment 64.5 hrs. accrued vacation leave
Resignation	Thomas VanNatta	Police	2/15/04	Patrol Officer, authorize payment accrued leave, 70 hrs. vacation, 72 hrs. holiday
Retirement	Judy Ellis	City Manager	1/30/04	Administrative Specialist
Reclassification/ Transfer	Dallas K. King	Vehicle Maintenance Garage	2/17/04	Mechanic I position from Equipment Operator I, Public Works
Reclassification/ Transfer	John Noe	Finance	2/17/04	License Enforcement Officer from Office Assistant, Public Works

Appointment	Jason E. Combs	Fire	3/16/04	Firefighter/EMT
Confirmation	Jeffrey Roberts	Police	3/13/04	Patrol Officer
*Conditional Offer of Employment	Jerry Marcum Jeffrey Pearce Jason King Michael Ball	Police		Patrol Officer

\* Contingent upon successful completion of physical, psychological, polygraph and drug screen examinations.

Attachments: None.

Contact Person  
Name: John Morrow  
Title: Personnel Director  
Department: City Manager's Office  
Phone: (502) 875-8500  
E-Mail: Jmorrow@fewpb.com

## 7. BOARD APPOINTMENTS

### 7.1 Stormwater Phase II Program - Stakeholder Group. (Public Works)

Purpose: The Public Works Director will discuss this item and invite citizens who are interested in serving on the Stakeholder Group to submit letters of interest with resume, to be submitted by February 27, 2004.

Background: The City of Frankfort and Franklin County Fiscal Court are to form a Stakeholder Group as outlined in the Phase 2 Storm Water Quality Permit requirements. The group could consist of 12-15 members and shall represent differing interests within the community (i.e., small business, environment, development, etc.). The purpose of the Stakeholder Group is to educate the public of the requirements of the program and to receive input on policy decisions. It is suggested that the group meet on a quarterly basis during year two of the permit.

The City of Frankfort will appoint its representatives to the group in March, 2004.

Attachments: None.

Contact Person  
Name: Jeff Hackbart  
Title: Director  
Department: Public Works  
Phone: (502) 875-8563  
E-mail: jhackbrt@fewpb.com

## 8. OLD BUSINESS



8.1 Amend Engineering Agreement with Brighton Engineering Company for Leonardwood Drive Extension Project. (Public Works)

Purpose: The purpose of this item is to consider an amendment to the engineering design and construction management contract with Brighton Engineering Company for the Leonardwood Drive Extension Project.

Background: Brighton Engineering developed the final construction plans for the Leonardwood Drive Extension and Kings Daughters Drive widening project. During construction, additional construction management services were required to address the following items:

1. Field surveying work due to the vertical grade change of Leonardwood Drive.
2. The geotechnical assistance to correct unsuitable soils discovered during construction.
3. Investigate the need for a retaining wall to protect an existing utility building on Kings Daughters Drive.
4. Additional coordination meetings to address a shallow water main on Kings Daughters Drive.
5. Additional coordination meetings and site visits with school and City officials.

Financial Analysis: The requested fee for the above items is \$6,120, which will increase the not-to-exceed amount from \$23,400 to \$29,520, with funding from Capital Improvements. This will require a budget amendment.

Recommendation: Approval.

Attachments: Letter from Brighton Engineering Company dated 1/12/04.  
Change Order No. 4.

Contact Person

Name: Jeff Hackbart  
Title: Director  
Department: Public Works  
Phone: (502) 875-8563  
E-mail: jhackbrt@fewpb.com

## 9. NEW BUSINESS

9.1 Bid Authorization: Two-way Cleanout Tees and Vaults. (Sewer Department)

Purpose: The purpose of this item is to consider solicitation of bids for the purchase of a pallet of 2-way cleanout tees and utility vaults for installation of a cleanout at the right-of-way as stated in the recently adopted lateral policy.

Background: One of the requirements of the recently adopted lateral policy is to require installation of a cleanout at the right-of-way to delineate the point where structural responsibility by the City ends and the homeowner begins. The installation of the cleanout is the responsibility of the Sewer Department.

The 2-way cleanout will make maintenance of flow easier to achieve by adding a location where plumbers have access to the lateral. The 2-way cleanout is a special order and delivery takes approximately 45 days from the date the order is placed. This procurement will allow the Department to maintain a stock on hand.

The vaults selected will provide a traffic worthy top for the cleanouts and will resemble the vault for a water meter when installed. The vaults are a special order and delivery takes approximately 60 days from the date the order is placed. The vaults will have "Sewer Cleanout" molded into the lid. This procurement will allow the Department to maintain a stock on hand.

Financial Analysis: This equipment purchase is estimated to cost \$10,000 and will require a budget amendment. Delivery will not be made until after the budget amendment is approved.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

9.2 Contract with HMB Engineers for Engineering Services Associated with the Design and Contract Administration for Sanitary Sewer Extension at Shelby Street. (Sewer Department)

Purpose: The purpose of this item is to consider awarding a contract to HMB Engineers for Engineering Services associated with the design of an 8-inch sewer extension along Shelby Street at the floodwall.

Background: The homeowner at 110 Shelby Street is experiencing constant problems with the sewer lateral. The lateral crosses at least four other properties before discharging into the public sewer main. The property does not have direct access to a public sewer. Several other properties in the same block are also starting to experience similar problems with laterals. This project will extend a sewer main up Shelby Street to allow all homes fronting the street to have direct access to a public sewer.

On 12/28/03, a Request for Qualifications was advertised for the project. Five firms submitted statements of qualifications. Upon review of the qualifications, two firms were tied in points. Based upon a telephone interview with both firms, HMB Engineers was selected due to their familiarity with the sewer system in that area.

Financial Analysis: The engineering services contract will be at a not-to-exceed fee of \$25,000, which is allocated in Sewer Account 300.68.56550.

Recommendation: Approval.

Attachments: Proposal.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

**10. CITIZEN COMMENTS (Non-agenda items)**

**11. COMMISSIONER COMMENTS**

**12. ADJOURNMENT**